

FREDERICK COUNTY PLANNING COMMISSION
Wednesday, February 15, 2006
Minutes

Commission Members Present: Alan Duke, Chairman
Fern Hines
Michael Cady, BOCC Liaison
Joseph Brown III
Joan McIntyre

Commission Members Absent: Robert White, Vice Chairman
J. Denham Crum

Planning Staff Present: Steve Kaii-Ziegler, Director of Planning
Eric Soter, Assistant Director
Jim Gugel, Chief, Comprehensive Planning
Hilari Varnadore, Principal Planner
Denis Superczynski, Princ
Caryl Wenger, Recording Secretary

The Afternoon Session began at 2:00 p.m.

Ms. McIntyre was initially not in attendance.

COMMENTS

None.

CAPITAL IMPROVEMENTS PLAN PUBLIC HEARING

Mr. Soter gave an overview of the Capital Improvements Plan recommended by Staff for Fiscal Years 2007-1012. Staff found the CIP projects to be consistent with the location, character, and extent of the various Regions Plans, as well as the Countywide Plan.

Public Comment

None.

Decision

After much discussion, Mr. Brown made a motion to forward a recommendation of consistency to the Board of County Commissioners for the CIP Budget for Fiscal Years 2007-2012. Mr. Cady seconded the motion.

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Motion: Brown/Cady
Vote: 3 – 1 – 3 – 0
For: Brown, Duke, Cady
Against: Hines
Absent: White, Crum, McIntyre
Abstain: None

Ms. McIntyre joined the meeting at this point.

MONROVIA TOWN CENTER PUD – R-05-06 – (75-80 Properties, L.L.C., et al.)

This was a continuation of the workshop discussion. Mr. Superczynski reviewed the request for the Planning Commission, and outlined the conditions for approval that were based on the previous public meeting and agreed upon by the Applicant.

Ms. Hines made a motion to recommend approval of the Monrovia Town Center PUD to the Board of County Commissioners with a density of 4.0 dwelling units per acre, along with the conditions set forth in the Staff Report. In addition, Condition #14 shall read: “The roadway shall be constructed, open to service, and accepted by the County prior to the issuance of the building permit for the 901st dwelling unit.” Mr. Duke seconded the motion. Motion carried.

Motion: Hines/Duke
Vote: 3 – 2 – 2 – 0
For: Duke, Hines, Cady
Against: Brown; McIntyre
Absent: White, Crum,
Abstain: None

Mr. Brown disagreed with Staff on Ed McClain Road. He voted against this recommendation because he felt that cutting Ed McClain Road as a safety issue was detrimental to the welfare of the community. He stated that the west side of Ed McClain Road, from the project entrance north to the end of the project’s road frontage, should be improved to local street standards, with a ditch being dug twenty-one (21’) feet from the existing road centerline. If this was remedied, he said, his vote would change.

Ms. McIntyre agreed with Mr. Brown’s issue on safety.

WALKERSVILLE REGION PLAN UPDATE

Mr. Gugel introduced Ms. Hilari Varnadore, a new addition to the Planning Staff, and informed the group that she would be transitioning into the handling of the Walkersville Region, as well as the Adamstown Region.

Mr. Gugel highlighted items from the first four chapters of the Walkersville Draft Plan and then moved on to the Plan Map. Areas shown as “Resource Conservation”, he said, have been pared down considerably from the 1995 Plan Map. Resource Conservation on the new map focuses on

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the 100-year floodplain areas, and the main stems of the major streams. Also, he said, isolated areas of woodlands are no longer shown as Resource Conservation on the new maps because they would never actually be zoned Resource Conservation.

Libertytown

The overall growth area will basically remain the same, Mr. Gugel said, with a slight adjustment on the Hood property to bring it out of an Agricultural District Easement. The biggest challenge, he said, is the Village Center area that straddles Main Street/Route 26. He then outlined three possibilities for zoning in the area, and they were discussed at length.

Woodsboro

Mr. Gugel indicated that the Hildebrand agricultural easement on the west side of town would be removed from the growth boundary. General discussion followed.

Walkersville

Mr. Gugel stated that the town limit area will now reflect the Town Plan. Three growth-boundary options have been developed, he said, and the Agricultural Districts will be eliminated from them. He stated that it would be more beneficial to have the Agricultural Preservation farms outside the growth limits than inside the growth limits, since “inside” is where development could and would occur, making it easier for those farms to be released from Ag Preservation. Keeping them outside the growth limit, he said, would ensure they would not be developed, thus achieving a “greenbelt” around the town. Mr. Gugel further stated that the Crum property is now part of the Installment Purchase Program, which will decrease some of the area designated as General Industrial.

Mr. Cady commented that “No Planned Service” on the Water/Sewer Map with regard to agriculturally preserved land will keep it in Ag Preservation far longer than any growth line.

Discussion followed as to the best location for the final hearing.

Decision

Mr. Cady then made a motion to hold the final hearing for the Walkersville Region in the Walkersville Town Hall during the month of May. If the Walkersville Town Hall is unavailable, it will be held at the Walkersville High School; and failing that, it will be held at Winchester Hall. Ms. Hines seconded the motion.

Motion: Cady/Hines
Vote: 4 – 1 – 2 – 0
For: Brown, Duke, Cady, Hines
Against: McIntyre
Absent: White, Crum,
Abstain: None

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The Evening Session began at 7:00 p.m.

Commission Members Present: Alan Duke, Chairman
 Joseph Brown III
 Joan McIntyre
 Michael Cady, BOCC Liaison

Commission Members Absent: Robert White, Vice Chairman
 J. Denham Crum
 Fern Hines

Planning Staff Present: Eric Soter, Assistant Director
 Jim Gugel, Chief, Comprehensive Planning
 Carole Larsen, Principal Planner II
 Kathy Mitchell, County Attorney

GRIFFIN REZONING (R-05-09) PUBLIC HEARING

Requesting to rezone 197.0293 acres from Agricultural Zoning to Planned Unit Development. Property located on the east side of Maryland Rt. 351 (Ballenger Creek Pike), 550 feet south of Corporate Drive, and north of Ballenger Creek.

Ms. Larsen presented the Staff Report.

Applicant

Attorney Rand Weinberg appeared on behalf of the Applicant, Ballenger Creek Development, LLC. He stated that the completed demographic study indicated that, between now and the year 2010, there will be a demand in Frederick County for an additional 7,500 households, with the head of the household being age 55 and older. This project, he said, would help address that need.

Mr. Weinberg stated that out of Staff's eleven conditions, he agreed with eight. On Condition #2, he stated that even though they asked for 300 units per year, they were in agreement with only 200 units per year, providing that it would not include MPDUs (Moderately Priced Dwelling Units). On Condition #9, he asked for clarification on the amount of MPDUs. He stated that he and his client would be in agreement as long as the MPDUs were not townhouses or single-family units. The third issue he addressed was the condition that required his client to dedicate a 9.7-acre school site next to the existing Ballenger Creek Elementary School. He stated that he and his client were willing to talk about the matter, but since the project would not generate school children, they felt it would be more appropriate to propose something such as a library. He went on to suggest several possibilities in lieu of the extra dedication of a school site.

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Public Comment

Four members of the community provided public comment. None were opposed, but all had concerns regarding traffic and the expansion of the road system, school sites, flooding, and how the homes would be filled if capacity is not met with persons aged fifty-five or over.

Mr. Ray Barnes spoke on behalf of Frederick County Public Schools. He stated that he has no objection to rezoning the property to PUD, and no objection to an age restricted development, however, he did urge the consideration of a school site since there is no other such site in this part of the County.

Rebuttal

Mr. Weinberg assured everyone that this is a community for active adults, aged fifty-five and older, and that no conversions may take place under the recorded covenants. He further stated that the County will have the authority to enforce the covenants, as will all the members of the community. With regard to a school site, he stated that he and his client originally felt that a school site would not be a requirement, since this community will not have children. He went on to say that the issue could be worked out, though, if indeed a school site is required.

Decision

Mr. Brown then made a motion to close the public hearing and to take the matter to a workshop within sixty-two (62) days. Ms. McIntyre seconded the motion. Motion carried.

Motion: Brown/2nd McIntyre
Vote: 4 – 0 – 3 – 0
For: Brown, Duke, McIntyre, Cady
Against: None
Absent: White, Crum, Hines
Abstain: None

APFO TEXT AMENDMENT – (AT-06-01) – Public Hearing

Request by Land Stewards LLC to amend the Adequate Public Facilities Ordinance (APFO) to allow for a developer option of school mitigation for Large PUD's (greater than 3,000 units) and having PUD approval prior to December 1, 1991.

Mr. Soter presented the Staff Report and recounted the chain of events leading up to the public hearing.

Applicant

Krista McGowan, Attorney for the Applicant, spoke on behalf of Land Stewards, LLC, reiterating the specifics of the agreement between her client and the Board of Education.

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Public Comment

Several members of the community spoke in opposition to the Text Amendment, citing adequacy concerns for the older schools in the area, and questioning whether the Casey Tract could piggyback on this amendment. They asked that the ramifications of this text amendment be looked at very carefully.

Rebuttal

Ms. McGowan stated that she believes this project will be of great benefit to the County, and to the whole Linganore community. This proposal, she said, is not relying on County funds, with the exception of the Linganore High School project, which needed to be done, regardless. She went on to say that this text amendment would apply to the Casey Tract, but that it's developers would have to negotiate their own contract with the Board of Education in order to move forward.

Decision

Mr. Brown made a motion to recommend approval of the amendment as written, subject to addressing the framework from February 14, 2006, and allowing Staff to have an overview in the rewrite at the BOCC level. Mr. Cady amended the motion to say "the Frederick County Planning Commission recommends approval of the text amendment to the Board of County Commissioners, with the inclusion of recommended comments from the Board of Education as stated in their letter of February 14, 2006. The Commission also acknowledges that Staff may present additional changes to clarify the text." Motion carried.

Motion: Cady/2nd Brown
Vote: 3 – 1 – 3 – 0
For: Brown, Duke, Cady
Against: McIntyre
Absent: White, Crum, Hines
Abstain: None

Respectfully submitted,

Caryl J. Wenger, Recording Secretary

Alan E. Duke, Chairman

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